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Via email and ECF

April 4, 2014

Gregory Brown, Esq.  
McCarron & Diess  
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**Re: Chiquita Fresh North America, LLC, et al. v. Long Island  
Banana Corp., et al.  
E.D.N.Y. Case No.: 2:14-cv-00982-ADS-AKT**

Dear Mr. Brown:

This firm is counsel to Long Island Banana Corp. and Suffolk Banana Co., Inc.

On April 3, 2014, my clients filed separate petitions seeking relief from their creditors pursuant to chapter 11 of the Bankruptcy Code. The Debtors' cases are presently pending in the Bankruptcy Court for the Eastern District of New York under the case numbers 8-14-71443 and 8-14-71444, respectively.

As you know, the filing of a chapter 11 petition invokes the automatic stay arising under section 362(a) of the Bankruptcy Code. Despite having knowledge of the chapter 11 filings, today you elected to proceed with a hearing before the United States District Court for the Eastern District of New York in the case styled Chiquita Fresh North America, LLC, et al. v. Long Island Banana Corp., et al., E.D.N.Y. case number 2:14-cv-00982-ADS-AKT, in which my clients are clearly named as defendants.

Following today's hearing, the matter has been set for conference again on April 7, 2014 at 10:00 a.m., before the Honorable Arthur D. Spatt.

Please be advised that if you go forward with your hearing, you do so at your own peril. The automatic stay arising under 362(a) of the Bankruptcy Code remains in place unless the Bankruptcy Court presiding over these debtors' cases issues an order directing otherwise.

In light of these facts, I strongly urge you to reconsider whether you wish to proceed with the hearing scheduled for Monday morning before Judge Spatt.



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Nothing contained herein shall or may be construed as a waiver of my clients' rights, all of which are hereby expressly reserved.

Very truly yours,

GOETZ FITZPATRICK LLP

By: \_\_\_\_\_

A handwritten signature in blue ink, appearing to be 'G. M. Kushner', written over a horizontal line.

Gary M. Kushner

A Partner of the Firm

cc: Robert L. Rattet (rrattet@herrick.com)  
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